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June 1, 2006

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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Federal Communications Commission
Office of Secretary

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Re: *Amendment of the Commission's Part 90 Rules
in the 904-909.75 and 919.75-928 MHz Bands, WT Docket No. 06-49*

ExParte Presentation

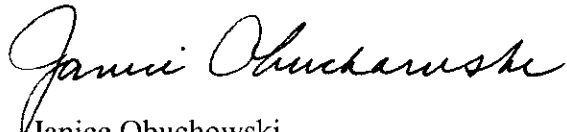
Dear Ms. Dortch:

On Wednesday, May 31, 2006, Janice Obuchowski and Mark McDowell, representing Progeny LMS, LLC ("Progeny"), met with Bruce Gottlieb, Wireless and International Legal Advisor to Commissioner Michael Copps, and Joseph Bissonette. The meeting was held to provide a brief overview of the comments filed by Progeny in response to the Notice of Proposed Rulemaking issued on March 7, 2007, in the above-captioned proceeding.

Progeny emphasized the need for flexibility in the Multilateration-Location and Monitoring Service band and the demonstrated fact that with flexibility, LMS systems would cause no more interference to Part 15 devices than the risk posed by Part 15 devices themselves. Progeny addressed the extent to which the elimination of outdated service restrictions for M-LMS would pave the way for new applications in the band, including those that facilitate sharing between licensed and unlicensed uses and further the deployment of homeland security applications. Attached is a copy of the handout presented

In accordance with Section 1.1206(b) of the Commission's Rules, please accept this original and one copy for submission.

Sincerely,


Janice Obuchowski

cc: Bruce Gottlieb

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Overview of Approach To M-LMS Flexibility

WT Docket No. 06-49

Progeny LMS, LLC
May 31, 2006

Backdrop to NPRM: Need for Flexibility

The Commission established service rules for M-LMS licensees in the 902-928 MHz band in 1995.

- However, current service restrictions have barred deployment of *any service* in the M-LMS band.
- Basis of existing rules is command-and-control regulatory regime no longer pursued by Commission.
- Rules are not necessary and furnish no incentives for Part 15 devices to use more efficient technologies.
- Changes open door to new services (i.e., homeland security applications) and cross-fertilization of technologies in this band.
- GPS capabilities and E911 requirements have *transformed* market for location-services from when M-LMS rules first enacted.

Opportunity for Efficient, Effective Use

An updated regulatory framework will promote full, productive use of this spectrum. The NPRM provides a vital opportunity to follow through on spectrum sharing and flexibility objectives that:

- **Advance** the spectrum needs of multiple users who co-exist in this band and provide incentives for efficient use by both M-LMS and Part 15 uses;
- **Protect** the hierarchy among federal and non-federal licensed services;
- **Promote** deployment of advanced services;
- **Ensure** there is no increased risk of harmful interference to other uses.

Bottom Line: Progeny continues to demonstrate that LMS systems would cause no more interference to Part 15 devices than the risk posed by Part 15 devices themselves.

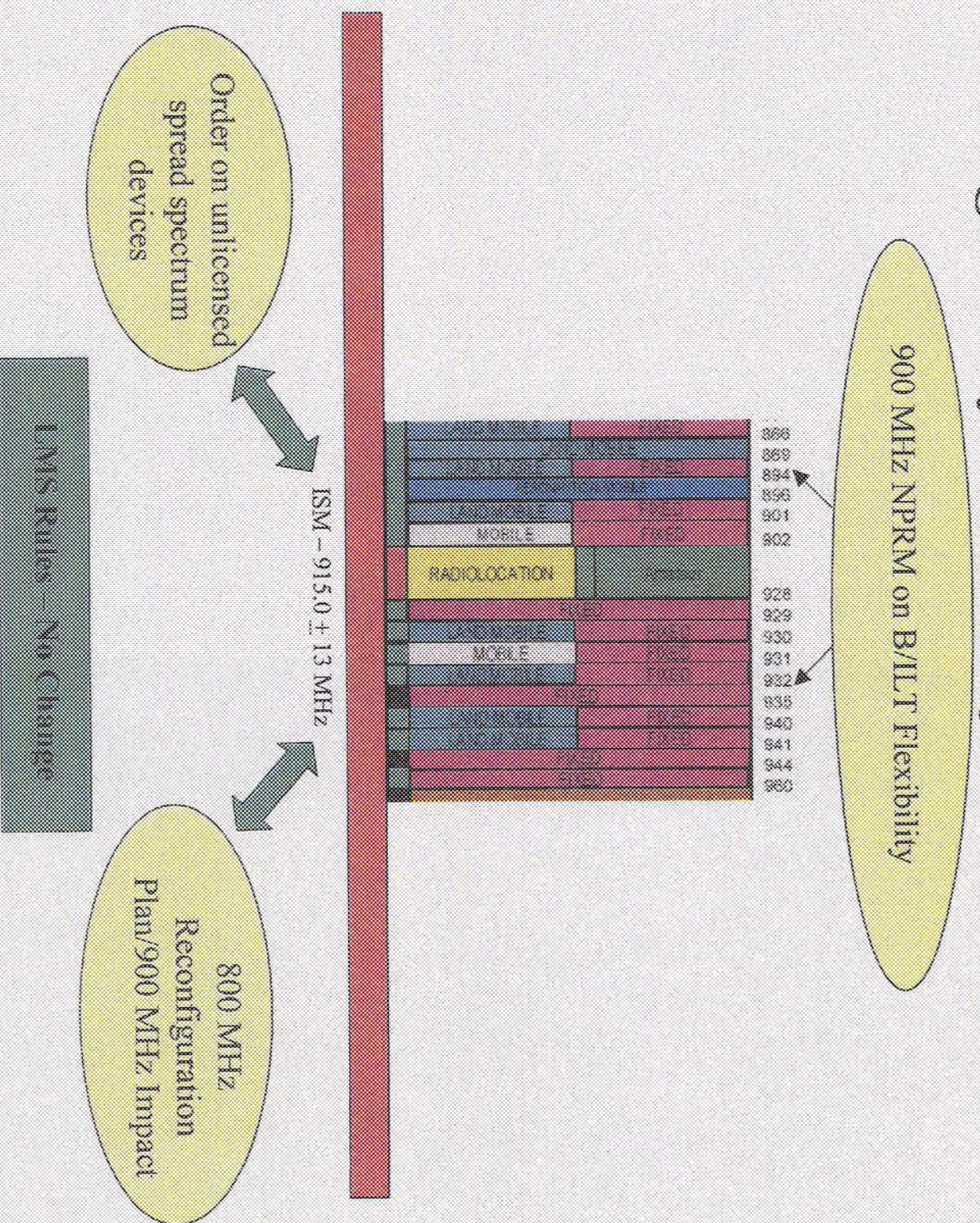
- *Progeny analysis shows:* M-LMS systems operating at the allowed output power level (30 Watts ERP) will not cause harmful interference to automatic meter reading devices, Part 15 devices.

Spectrum Flexibility: Established FCC Policy

FCC efforts toward spectrum flexibility have accelerated, with tangible benefits, including more efficient spectrum use and new services. Recent examples include:

- Advanced Wireless Service rules: Designed to provide flexibility for licensees to quickly adapt to technological changes and future marketplace conditions.
- MDS/ITFS Changes: Updated band plan for MDS and ITFS licensees (now the Broadband Radio Service), fostering more technologically and economically efficient uses of this band.
- PCS: Licensees may provide any mobile communications service, with fixed services allowed on a co-primary basis with mobile.
- MSS: Service flexibility provided for ancillary terrestrial component to increase efficiency of spectrum use, reduce costs and strengthen market competition.
- 218-219 MHz: Flexibility allowed to provide additional fixed and mobile services.

Regulatory Flexibility At 900 MHz



Using Flexibility to Maximize Efficiency

A service-neutral regulatory approach would enable M-LMS licensees to deploy services in the band to meet homeland security demands, spectrum sharing requirements. To this end, Progeny is:

- Developing an Enhanced Position Location service that will provide important advancements for public safety, homeland security;
- Studying the potential of developing an overlay network to facilitate sharing between licensed operations and existing Part 15 devices in the band.
 - Planning an open network architecture especially for public safety in the event of an emergency.

Way Forward: Eliminating outmoded service restrictions and providing flexibility will pave the way for productive coexistence of licensed commercial services and unlicensed uses at 902-928 MHz.